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May 2, 2010

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Jordan:

We are in receipt of the complaint (MUR 6272) initiated by proxy from the Carly (Farrina) for California, Inc. committee.

No action should be taken on this spurious complaint from a front group (incidentally, using the same address as Carly for California, Inc. in Sacramento) as it erroneously claims that volunteer activity must be listed as "In-kind" donations. In fact, the FEC's own online Citizens' Guide says of volunteering:

Personal Services

An individual may help candidates and committees by volunteering personal services. For example, you may want to take part in a voter drive or offer your skills to a political committee. Your services are not considered contributions as long as you are not paid by anyone. (If your services are compensated by someone other than the committee itself, the payment is considered a contribution by that person to the committee.)

The complaint charges that Leisa Brug Kline, my long-time chief-of-staff and Joshua Trevino, a communications director, have been providing services to the campaign. Of course they are. In fact, both have a long history of political involvement as activists and volunteers, as do I.

Setting aside for a moment that this complaint has everything to do about generating negative press for my campaign and nothing to do about the law, let me address the heart of the accusation: that people volunteering for my campaign are somehow breaking the law. This is patently false.

Mr. Trevino and Ms. Kline have long-time records as volunteers and activists. That Ms. Kline serves as my chief-of-staff is irrelevant, as we carefully account for her hours of work on behalf of the State of California, running every detail according to the Assembly Rules Committee's established procedures. Similarly, Mr. Trevino, who was volunteering a few hours a week in 2009, also had his time carefully accounted for per the Assembly Rules Committee's procedures. As the pace of the campaign picked up in early 2010, Mr. Trevino went on a leave of absence from his state job and has been working almost full time on the campaign (almost full time because Mr. Trevino, as with Ms. Kline, has other outside employment previously approved by

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the Assembly Rules Committee). The campaign needed more of Mr. Trevino's time than he was reasonably able to volunteer so we are now paying what was his entire state salary (even as he continues to work for other clients).

That the campaign paid Ms. Kline and Mr. Trevino for some of their time in 2009 did not preclude them from donating more of their time. Further, that the campaign attributed some of their services as in-kind donations, from themselves, not the State of California, in 2009 did not preclude Ms. Kline and Mr. Trevino from donating more of their time. Again, FEC rules allow for unlimited donations of personal services.

As to Mr. Trevino's break in service in early 2009, he left my Assembly office to work on another project. When I found that he was available again, I re-hired him. That the complaint seeks to criminalize my rehiring of a valuable employee is absurd.

Ms. Kline, my Assembly chief-of-staff, also serves as campaign manager, a role that has no day-to-day management responsibilities, instead, Ms. Kline serves as a stand-in decision maker for me when I cannot be reached. Incidentally, our campaign employs a full time day-to-day manager with the title of "Chief Operations Officer."

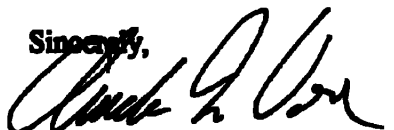
At this point it is instructive to note that the Fiorina campaign, the proxy for this complaint, has also complained that my scheduler, a state employee, runs my schedule. In this, the Fiorina campaign would seek to criminalize the conduct of 535 House and Senate schedulers as well as the 120 schedulers in the California State legislature.

I note with interest that the Fiorina campaign's spokesperson, Julie Soderlund, worked in Gov. Arnold Schwarzenegger's government office at the same time she worked for his campaign in the same capacity.

Lastly, for the complaint to have any validity, Ms. Kline and Mr. Trevino would have had to have been supporting the campaign as Assembly employees, paid with taxpayer funds. If this had happened, it would not have been only a violation of FEC regulations, but patently illegal under California law as well. This has never been the case and can easily be verified by the Assembly Rules Committee.

Should it be necessary, I may be reached at _____ 916-319-2070 (Capitol).

Sincerely,



Chuck DeVore
California State Assemblyman
Candidate, U.S. Senate

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